

08-05-04

JFW

Honeywell Docket No. H0005567 -4780
 Practitioner's Docket No. 7036562001-3221000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Application No.: 10/717,028 Group No.: 3671
 Filed: November 18, 2003 Examiner: Not Yet Assigned
 For: ANTI-REFLECTIVE COATINGS FOR VIA FILL AND PHOTOLITHOGRAPHY
 APPLICATIONS AND METHODS OF PREPARATION THEREOF

Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ITEMS
 CONSIDERED AS OMITTED BY THE P.T.O. FOR
 NONPROVISIONAL APPLICATION

1. This is in response to the "NOTICE OF MISSING PARTS OF NONPROVISIONAL APPLICATION" mailed for this application on June 3, 2004. A copy of the "NOTICE OF MISSING PARTS OF NONPROVISIONAL APPLICATION" is enclosed.
2. Applicant asserts that the items indicated as omitted were in fact deposited with the P.T.O. with the original application papers. The above-referenced application contains 53 pages of tables and drawings.
3. In accordance with the requirements of the Notice of June 5, 1996, 61 Fed. Reg. 30,041-30,046, applicant hereby:
 - A. Petitions under 37 C.F.R. § 1.53(e) for a review of the determination that the items in issue were omitted.

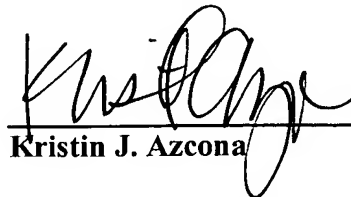
EXPRESS MAILING UNDER 37 C.F.R. § 1.10*

08/06/2004 HAL111 00000011 502518 10717028(Express Mail label number is *mandatory*.)
 01 FC:1460 130.00 DA (Express Mail certification is optional)

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date
August 3, 2004 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail
 Post Office to Addressee" Mailing Label No. **EV450344438US**.

Date: August 3, 2004

EV450344438US


 Kristin J. Azcona

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

B. Submits the petition fee under 37 C.F.R. § 1.17(i).

C. Submits the attached evidence of the deposit of the items in issue.

4. Fee Payment

Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 502518.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

5. Request for Refund of Petition Fee under 37 C.F.R. § 1.182

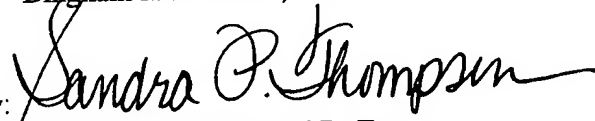
Upon grant of the petition under 37 C.F.R. § 1.53(e) and the determination by the P.T.O. that the omitted pages in issue were filed with the original papers filed for this application, applicant respectfully requests that the petition fee under 37 C.F.R. § 1.182 be refunded by a credit to the charge authorized above.

Date: August 3, 2004

Respectfully submitted,

Bingham McCutchen, LLP

By:



Sandra P. Thompson, PhD, Esq.

Reg. No. 46,264

E-mail: sandra.thompson@bingham.com

Direct Line: 714-433-2622

COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/717,028 | 11/18/2003 | | 7036566001-3221000 |

Sandra P. Thompson
Bingham McCutchen LLP
Three Embarcadero Center
San Francisco, CA 94111-4067



CONFIRMATION NO. 7345

FORMALITIES LETTER



OC000000012853303

Date Mailed: 06/03/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/06/2004 HAL111 00000011 502518 10717028
02 FC:1051 130.00 DA

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 10-15.

The following item(s) appear to have been omitted from the application:

- Figure(s) 9 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and

\$130.00 petition fee (37 CFR 1.17(h)) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

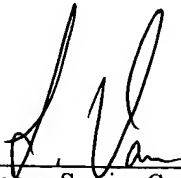
SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Honeywell Docket No. H0005567 -4780
Practitioner's Docket No. 7036562001-3221000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Application No.: 10/717,028

Group No.: 3671

Filed: November 18, 2003

Examiner: Not Yet Assigned

For: ANTI-REFLECTIVE COATINGS FOR VIA FILL AND PHOTOLITHOGRAPHY
APPLICATIONS AND METHODS OF PREPARATION THEREOF

**EVIDENCE OF DEPOSIT OF ITEM(S)
WITH APPLICATION INDICATED AS OMITTED IN THE
"NOTICE OF MISSING PARTS OF
NONPROVISIONAL APPLICATION"**

In connection with the "NOTICE OF MISSING PARTS" dated June 3, 2004, applicant submits the following evidence that the item(s) indicated as omitted were in fact deposited with the P.T.O. on November 18, 2003, which is the original date on which the papers for this application were deposited:

A photocopy of the returned receipt postcard is attached as evidence showing thereon that the item(s) indicated as omitted, 53 pages of tables/figures which includes Figure 9, were in fact deposited and are on file with the U.S. Patent Office.

A photocopy of the application transmittal is attached as evidence showing thereon that the item(s) indicated as omitted, 53 pages of tables/figures which includes Figure 9, were in fact deposited and are on file with the U.S. Patent Office.

Enclosed is an additional copy of Figure 9.



COPY

Please acknowledge receipt of the following by affixing hereon the Official date stamp and returning this card to our office.

Utility Application

Title: Antireflective Coatings for Via Fill and Photolithography...

Inventor:

Honeywell (WFM) - Liu, et al.

Filing Date:

November 18, 2003

Serial Number:

Matter Type:

Patent - US

Date of Deposit:

November 18, 2003

Matter #:

2003000001-3221000

Enclosures:

(1) Transmittal (4 pages); (2) Applications (Specification 62 pgs, Claims 7 pgs, Drawings 53 pgs, Abstract 1 pg); (4) postcard



7026562001-3224000

22388 U.S. PTO

10/7/2003



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